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**Michelle (“Michi”) Bradley**

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Founder of REC/Director of J1 Radio

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**IN THE MATTER OF:**

Reexamination of the Comparative Standards for Licensing  
Noncommercial Educational Broadcast Stations and  
Low Power FM Stations

MB Docket 19-3

**NOTICE OF EX PARTE PRESENTATION**

On February 1, 2019, Michelle Bradley (“Bradley”) of REC Networks (“REC”) met by teleconference with:

- Albert Shuldiner, Division Chief, Audio Division, Media Bureau
- Lisa Scanlan, Deputy Division Chief, Audio Division, Media Bureau
- Amy Van De Kerckhove, Attorney Advisor, Media Bureau

The purpose of the teleconference was to express concerns regarding an item on the Draft NPRM for the upcoming proceeding that relates to negotiations between time share proponents prior to tentative selectee designations.<sup>1</sup> Bradley has interpreted the language of this section of the NPRM that the root cause of the issue that happened in Philadelphia for which the rule change is proposed for was due to confusion of whether LPFM applicants can communicate and collaborate with each other prior to application filing.<sup>2</sup>

Bradley expressed REC’s position that “point stacking” is where multiple closely-connected organizations filed applications in the window where one applicant had a dominant amount of time and others had a minimal amount of hours and operating from either the same location or from locations where they may have not had site assurance in the first place in order to artificially increase their aggregated score to give the dominant party an advantage over the other competing time share groups seeking the same spectrum.

Bradley expressed REC’s position that the root cause to the act of “point stacking” was due to the fact that proponents in an LPFM time-sharing agreement need only propose a minimum of 10 hours per week in order to aggregate points. REC also supports the Bureau’s suggestion of reapportioning time that is abandoned as a result of a cancellation of a license or permit of a time share proponent through a “mini-window” process to a new-entrant.<sup>3</sup>

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<sup>1</sup> - See Draft NPRM at paras 56-61.

<sup>2</sup> - Id. at 56.

<sup>3</sup> - Id. at 61.

In order to achieve fairness for future applicants, prevent gamesmanship and make time share groups that are “viable” and attractive in the event of a mini-window, Bradley has asked the Bureau staff to consider rules for “Viable Time Share Agreements” that would have the following basic requirements:

- A minimum of 36 hours per week of operation must be proposed.
- A minimum of 5 contiguous hours of operation must be proposed between 6AM and 12 midnight at least 5 days per week (operating days need not be consecutive).
- All time between 6AM and 12 Midnight, Monday through Sunday (or Saturday<sup>4</sup>) must be allocated to a station.
- No co-located sites allowed. Each site must have its own transmitter.
- The tie-breaker would among equally qualified aggregated groups would be the sum of the years of local presence for all groups in the agreement.
- By design, this means that no time share group would have more than 3 members (or 15 aggregated points).

Bradley also proposed a process for conducting the mini-window in a “winner take all” format in order for a new entrant to take the abandoned time in a group. While not mentioned in the original REC presentation, Bradley did also support the notion that in the event that no construction permit is granted during the mini-window that the time can then be reapportioned among the surviving station(s) in the original group. Bradley also answered staff inquiries in regards to making a minor adjustment to future 3-party involuntary time share slots (in order to make their allotments compatible with the proposed viable hour criteria) and to make future involuntary time share agreements renewable (non-renewable licenses are a relic from the early days of LPFM where licenses in a tied MX group with no settlement were granted sequentially and not concurrently in a time share as they are today).

Finally, Bradley also expressed support for changes to the *nunc pro tunc* rule related to dismissed applications with parties found to have engaged in unlicensed operations and support of requiring certification of site assurance with documentation as those changes as those requirements could have prevented many of the questionable applications received in the 2013 window. Bradley thanked staff for their time and that she is looking forward to the adoption of the NPRM and hopes it will also trigger some discussion on the REC Viable Time Share proposal. A copy of the presentation provided to attending staff is included as a separate document in this filing.

Respectfully submitted,

/S/

Michelle Bradley

Founder

REC Networks

February 1, 2019

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<sup>4</sup> - To accommodate time-share groups that may include schools.